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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,956	03/15/2004	Akihide Fujimoto	71754-8007.US01	2356

34055 7590 11/25/2011  
PERKINS COIE LLP  
POST OFFICE BOX 1208  
SEATTLE, WA 98111-1208

EXAMINER
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POHNERT, STEVEN C

ART UNIT	PAPER NUMBER
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1634

NOTIFICATION DATE	DELIVERY MODE
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11/25/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

**Attachment to Advisory**

**Continuation of box 3:** The amendments filed on 11/14/2011 further limit independent claims 103 and 109, to, “a human subject suffering from metastatic melanoma.”

Independent claims 115 and 124 have been amended to require, “a cancer therapy combination of dacarbazine, cisplatin, vinblastine, interferon alpha-2b and II-2” and comparison to “a subject suffering from Stage IV melanoma.” These new limitations further limit the scope of the claims and thus require further search and consideration because the claims now require additional elements.

MPEP 714.13 states, " It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims. Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection."

Further, “Stage IV” is capitalized and is not a proper noun and thus raises new issues.

**Continuation of box 11:**

The request for reconsideration has been considered but does not place the application in condition for allowance for the reasons of record in view of the non-entry of the after final amendment.

In view of the non-entry of the amendment the objection to the drawings is maintained.

In view of the interview the enablement with respect to LOH in the normal or control sample has been withdrawn. However, in view of the non-entry of the amendment other issues are not overcome.

In view of the non-entry of the amendment the 103 rejections are maintained.

Applicants remaining arguments refer to the amended claims and rely solely on the amendments. The applicant provided no further arguments not already considered. Since the arguments were not entered, the arguments are moot. Therefore the arguments drawn to the after final amendments have not been considered.

### **Conclusions**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven C. Pohnert whose telephone number is 571-272-3803. The examiner can normally be reached on Monday-Friday 6:30-3:30, every second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached on 571-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven C Pohnert/  
Primary Examiner, Art Unit 1634